

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

**Shankar Pal, et al.**

Confirmation No.: **2447**

Application No.: **10/693,750**

Group Art Unit: **2161**

Filing Date: **October 24, 2003**

Examiner: **Te Y Chen**

For: **Indexing XML Data Type Content System and Method**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**DECLARATION PURSUANT TO 37 CFR § 1.131**

We, the undersigned, hereby declare that:

1. We, Shankar Pal, Istvan Cseri, Gideon Schaller, Oliver Seeliger, Denis Altudov, Denis Churin, and Sameer Verkhedkar, are the inventors of the invention described and claimed in U.S. Patent Application Number 10/693,750 (hereinafter referred to as “the 750 application”), filed October 24, 2003, in the United States Patent and Trademark Office.
2. We are aware that the pending claims of the 750 application have been rejected as being unpatentable over U.S. Patent Number 6,584,459 issued to Chang et al. (hereinafter referred to as “Chang”), in view of U.S. Patent Publication Number 2005/005,5334 in the name of Krishnamurthy (hereinafter referred to as “Krishnamurthy”).

3. We are aware that Krishnamurthy claims priority to a provisional application filed on September 4, 2003.

4. In accordance with CFR § 1.131, as inventors of the subject matter of the pending claims, and without conceding the propriety of the rejections of the pending claims, we hereby declare that we invented the subject matter of the pending claims prior to the reference date of September 4, 2003. We further hereby declare that we worked diligently from a date prior to September 4, 2003 to the date of constructive reduction to practice, October 24, 2003, the filing date of the 750 application, in order to prepare the 750 application and patent the invention.

5. Prior to September 4, 2003, an internal Microsoft Confidential Specification dated June 3, 2003, entitled "Functional Spec for XML Index on XML Blob Data Type Column in SQL Server Yukon" was prepared describing the subject matter of the 750 application. In support of the instant declaration, a redacted copy of the Microsoft Confidential Specification is attached hereto. Page 1 of the redacted copy of the Confidential Specification shows that editing changes made to the document on 6/3/2003 were made with reference to a prior version that was generated earlier on 4/29/2007.

6. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information or belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or by imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the application, any patent issuing thereupon, or any patent to which this verified statement is directed.

DOCKET NO.: MSFT-2160/304750.1  
Application No.: 10/693,750  
Office Action Dated: June 21, 2007

PATENT

Dec 20, 2007  
Date

Shankar Pal  
Shankar Pal

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Date

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Date

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